

**TESTIMONY OF MAHEALANI KAMAUU BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS  
RELATING TO SENATE BILL 2899**

September 13, 2000

Aloha Chairperson Campbell, Vice-Chairperson Inouye and members of the Senate Committee on Indian Affairs. Thank you for this opportunity to testify in support of Senate Bill 2899, which affirms the existence of a trust relationship between the United States and Native Hawaiians; supports the reorganization of a Native Hawaiian Government; and establishes a government-to-government relationship between the United States and the Native Hawaiian people.

My name is Mahealani Kamauu and I am Executive Director of Native Hawaiian Legal Corporation. The corporation is a public interest lawfirm committed to the assertion, protection, and defense of Native Hawaiian claims to lands, natural resources, and related entitlements.

*Kanaka maoli*, the Native Hawaiian people, have been struggling to govern themselves for a very long time. They have never stopped trying to restore their government or asserting their uniqueness as an indigenous people since the overthrow of their government in 1893. Their efforts to restore their government, to give expression to their political will, has been not only in response to national and cultural pride, but an effort to uplift a people who have suffered the highest socio-economic, health, housing, and rates of incarceration in the nation.

I would like to share some information and history regarding our sovereignty and self-determination movement so that you can fully appreciate the vibrant political context within which this Senate Bill 2899 is being considered by the Native Hawaiian people. It is a long and continuous history of protest and resistance against displacement from the land, and struggle to assert control over their trust resources. It has been a struggle to obtain resources necessary for basic needs -- health, housing, employment, education and welfare concerns. During that entire period, the Native Hawaiian people have continued to maintain their unique culture and traditions, as well as their own social, political and economic institutions.

Our history of protest begins before the overthrow of the Native Hawaiian government.

Six years before the overthrow in 1887 after the Bayonet Constitution eliminated voting rights for most Native Hawaiians, hundreds petitioned their sovereign, Queen Lili'uokalani, to restore these rights to native governance. When she heeded their petitions and attempted to promulgate a new constitution in 1893, her government was overthrown.

In 1894 a native insurrection against the annexationist Provisional Government, the Wilcox Rebellion, was unsuccessful and resulted in imprisonment of Queen Lili'uokalani.

In 1897, thirty-seven thousand Native Hawaiians signed petitions opposing annexation which were ignored when the U.S. subsequently annexed Hawai'i.

Their numbers already declined by a factor of ninety percent, their lands controlled and correlative rights suppressed, their assimilation forced under U.S. policies during the years following annexation -- in spite of all of this -- Native Hawaiians endured. They continued to speak their native language; they held on to their traditions and culture; they continued to live their unique lifestyle. They continued to maintain their distinct cultural, social, and political identity and institutions.

It was in 1920 that Congress set aside 203,000 acres of trust lands for homesteading by Native Hawaiians. Although there have been many problems with that program, native Hawaiian settlements for farming, ranching and residential purposes on all islands except Lana'i have continued and in fact are currently increasing exponentially. The State Council of Hawaiian Homestead Associations is an active, well-organized group representing approximately 30,000 homestead beneficiaries and their families.

It was around the turn of the last century that the Hawaiian Civic Club of Honolulu was organized by Prince Jonah Kuhio Kalaniana'ole to promote Hawaiian culture and civic responsibility. Today, the Association of Hawaiian Civic Clubs has grown to encompass over 43 clubs throughout Hawaii and the U.S. mainland, with thousands of politically active members whose delegates meet annually in convention.

The benevolent societies -- Ka`ahumanu, Sons & Daughters of Hawaiian Warriors, Mamakakaua, Royal Order of Kamehameha -- all were founded around the turn of the century to perpetuate Hawaiian culture and traditions, and they are all still very active today.

In the last thirty years, the contemporary political movement for sovereignty and self-determination has been extremely active.

In the late 1960's, Native Hawaiians engaged in organized protests against evictions from Kalama Valley, Mokauea and Sand Islands, Waiahole-Waikane Valleys, and Kahana Valley on O`ahu; and Niumalu-Nawiliwili on the island of Kaua`i.

In the mid-1970's and into the 1980's, there were large-scale organized protests to stop military bombing of the island of Kaho`olawe and Makua Valley. There were struggles to protest evictions from Hale Mohalu, a Hansen's disease treatment facility whose patients were native Hawaiian, and of homeless Native Hawaiian families from Hawaiian Homes and ceded lands, including Waimanalo Beach, Bellows, Kaiona Beach, Makapu`u Beach and Lighthouse, all on O`ahu, and Anahola Beach on the island of Kaua`i.

The island of Molokai organized Hui Alaloa to assert native Hawaiian rights to beach and trails access. The islands of Molokai and Lanai have long struggled to balance the competing interests of tourist development and protection of water resources. The island of Maui organized Save Makena Beach.

Some political organizations which came into being during this period include:

- Hawaiians, to pursue reform of the Hawaiian Homelands program.
- Ho`ala Kanawai, to pursue sovereignty and self-determination research and education
- Homerule, to pursue self-determination.
- Hui Alaloa, to protect access rights
- Hui Malama `Aina o Kahalu`u, to preserve Kahalu`u.
- Hui Malama `Aina o Kahana, to preserve Kahana Valley
- Institute for the Advancement of Hawaiian Affairs, to pursue sovereignty and self-determination
- Ka Lahui Hawai`i, to pursue sovereignty and self-determination.
- Ka Pakaukau & Komike Tribunal, to pursue sovereignty and self-determination.
- Nation of Hawaii, to pursue sovereignty and self-determination
- Native Hawaiian Land Trust, to research and educate on ceded lands issues.
- `Ohana o Hawai`i, to pursue sovereignty and self-determination
- Protect Kaho`olawe `Ohana, to stop military bombing of Kaho`olawe
- Protect Makua Valley, to stop military bombing of Makua Valley
- Save Makena Road, to protect access rights
- Waiahole-Waikane Association, preserve Waiahole-Waikane Valley.

This list is not exhaustive. In addition, there have been hundreds of mass cultural and political gatherings over the past 30 years.

In 1987, the state-declared "Year of the Hawaiian", *kanaka maoli* filled Honolulu Stadium to its 50,000-seat capacity to celebrate their common bond and cultural affinity in a celebration called "Ho`olokou". In January of 1993, over 25,000 kanaka maoli and their supporters commemorated the 100th anniversary of the overthrow by marching from all parts of the island to `Iolani Palace, once the seat of their government on the island of O`ahu.

With the realization that many of these struggles and demonstrations result because Native Hawaiians have little say over decisions and policies affecting their trust lands, natural resources, and affairs in general, early single-issue struggles have coalesced into a struggles for sovereignty and self-determination.

Some current sovereignty initiatives:

- Institute for the Advancement of Hawaiian Affairs
- Ka Lahui Hawai`i
- Ka Pakaukau - Komike Tribunal
- Kingdom of Hawai`i
- Lawful Government of Hawai`i
- Nation of Hawai`i
- Native Hawaiian Convention (`Aha Hawai`i `Oiw)

Many agencies have sprung up in response to Native Hawaiians' socio-economic and health

needs, such as my own organization; Alu Like, Inc., which has focused on employment and training; and Papa Ola Lokahi, a community-based health initiative. The Office of Hawaiian Affairs (OHA), created by an amendment to the Hawaii State Constitution in 1978, has been the principal vehicle and focus for native Hawaiian self-determination since its inception. Approximately 70,000 Native Hawaiians have participated in elections for its nine trustees. The recent U.S. Supreme Court decision in *Rice v. Cayetano* has derailed that office as a vehicle for native Hawaiian self-determination. In fact, the week preceding this very hearing was the most chaotic in all of OHA's history, since its nine trustees were forced to resign their elected office by the Governor of Hawai'i. It has been an extremely demoralizing time for Native Hawaiians, who are full of anger at a system which does not recognize their special status as the aboriginal people of Hawai'i.

In conclusion, my organization supports Senate Bill 2899 because it will protect programs with a Native Hawaiian preference against further *Rice* assaults, it supports long-standing and ongoing efforts to organize a native government, and will establish a government-to-government relationship between the United States and Native Hawaiians, a relationship which enlarges opportunities to negotiate for the return of trust lands and resources to help our people.

In conclusion, I realize that Congress' passage of the Hawaiian Homes Commission Act of 1920; the statehood Act of 1959, and the 150 pieces of federal legislation benefitting Native Hawaiians makes a strong case for the existence of a trust relationship between the United States and Native Hawaiians, warranting a government-to-government relationship. I hope my testimony has helped members of this Committee to better understand the *kanaka maoli* people's historic resolve and commitment to restore their government, and that this resolve and commitment has also demonstrated their continuous, unique and distinct political identity, from a *kanaka maoli* standpoint. Thank you for this opportunity to testify in support of Senate Bill 2899.